

REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicant has amended claims 14 and 22. Applicant respectfully submits no new matter has been added. Accordingly, claims 14, 15, and 19-23 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Claim Rejections – 35 U.S.C. § 102(e)

Claims 14, 21-22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Kim, *et al.* (US 2002/0172184 A1 In response, the Applicant respectfully traverses the rejection. In addition, the Applicant has amended independent claims 14 and 22 to better define the intended scope of the claimed invention. The Examiner's consideration of the amended claim is respectfully requested.

The Applicant has amended independent claims 14 and 22 which now recite that for every frame in a frame period of a first number of frames, a complete frame comprising both payload data and the control word is optimized with regard to PAPR and wherein a default pilot configuration is utilized for a frame in the frame period. Support for this amendment is found on page 7, lines 16-29 of the Applicant's specification.

The Examiner cites reference numbers 210-217 and paragraphs 0008-0010, 0021, and 0054-0056 of Kim as disclosing a control word indicative of the pilot configuration associated with a subsequent frame or a particular frame of a subsequent given order number is inserted into the frame and coded on a predetermined payload. The Applicant respectfully disagrees. Kim fails to disclose a control word indicative of the pilot configuration associated with a subsequent frame or a particular frame of a subsequent given order number inserted into the frame and coded on a predetermined payload. The Examiner references a pilot controller as disclosing a control word for the pilot. The Applicant respectfully disagrees with this characterization. The pilot controller is a device which adds pilots to the sub-channels. This pilot controller disclosed in Kim does not equate to the control word recited in claims 14 and 22. The

pilot control in Kim is not a control word and the pilot controller is not indicative of the pilot configuration associated with a subsequent frame or a particular frame of a subsequent given order number inserted into the frame and coded on a predetermined payload.

Furthermore, the Applicant has amended claims 14 and 22 to recite that for every frame in a frame period of a first number of frames, a complete frame comprising both payload data and the control word is optimized with regard to PAPR. Kim does not disclose that a complete frame which includes both the payload data and the control word is optimized with regard to PAPR. Kim merely discloses selecting a minimum PAPR among IFFT-transformed signals (see Paragraph 0057).

The Applicant has further amended claims 14 and 22 to recite a default pilot configuration being utilized for a frame in the frame period. Kim does not disclose anywhere in the specification the use of a default pilot configuration.

Thus, Kim does not disclose a control word indicative of the pilot configuration associated with a subsequent frame or a particular frame of a subsequent given order number inserted into the frame and coded on a predetermined payload, that a complete frame which includes both the payload data and the control word is optimized with regard to PAPR, or utilizing a default pilot configuration. Therefore, Kim does not anticipate the Applicant's invention as recited in independent claims 14 and 22.

Claim 21 depends from amended claim 14 and recites further limitations in combination with the novel elements of claim 14. Therefore, the allowance of claims 14, 21 and 22 is respectfully requested.

3.) Claim Rejections – 35 U.S.C. § 103 (a)

Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim, *et al.* (US 2002/0172184 A1). The Applicant has amended independent claim 14 which now recites that for every frame in a frame period of a first number of frames, a complete frame comprising both payload data and the control word is optimized with regard to PAPR and wherein a default pilot configuration is utilized for a frame in the frame period. As discussed above, Kim does not disclose a control word indicative of

the pilot configuration associated with a subsequent frame or a particular frame of a subsequent given order number inserted into the frame and coded on a predetermined payload, that a complete frame which includes both the payload data and the control work is optimized with regard to PAPR, or utilizing a default pilot configuration. Therefore, Kim does not teach or suggest the elements of claim 14. Claim 19 depends from amended claim 14 and recites further limitations in combination with the novel elements of claim 14. Therefore, the allowance of claim 19 is respectfully requested.

Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim, *et al.* (US 2002/0172184 A1) in view of Stevenson (US 6209112 B1). As discussed above, Kim does not disclose a control word indicative of the pilot configuration associated with a subsequent frame or a particular frame of a subsequent given order number inserted into the frame and coded on a predetermined payload, that a complete frame which includes both the payload data and the control work is optimized with regard to PAPR, or utilizing a default pilot configuration. The addition of Stevenson does not make up the missing elements. Therefore, the combination of Kim and Stevenson does not teach or suggest the elements of claim 14. Claim 15 depends from amended claim 14 and recites further limitations in combination with the novel elements of claim 14. Therefore, the allowance of claim 15 is respectfully requested.

Claim 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim, *et al.* (US 2002/0172184 A1) in view of Khandani, *et al.* (US 2004/0093545 A1). Kim does not disclose a control word indicative of the pilot configuration associated with a subsequent frame or a particular frame of a subsequent given order number inserted into the frame and coded on a predetermined payload, that a complete frame which includes both the payload data and the control work is optimized with regard to PAPR, or utilizing a default pilot configuration. The addition of Khandani does not make up the missing elements. Therefore, the combination of Kim and Stevenson does not teach or suggest the elements of claim 22. Furthermore, claim 23 depends from amended claim 22 and recites further limitations in combination with the novel elements of claim 22. Therefore, the allowance of claim 23 is respectfully requested.

Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim, *et al.* (US 2002/0172184 A1) and Stevenson (US 6209112 B1) and further in view of Khandani, *et al.* (US 2004/0093545 A1). As discussed above, Kim does not disclose a control word indicative of the pilot configuration associated with a subsequent frame or a particular frame of a subsequent given order number inserted into the frame and coded on a predetermined payload, that a complete frame which includes both the payload data and the control work is optimized with regard to PAPR, or utilizing a default pilot configuration. The additions of Stevenson and Khandani do not make up the missing elements. Therefore, the combination of Kim, Stevenson, and Khandani does not teach or suggest the elements of claim 14. Furthermore, claim 20 depends from amended claim 14 and recites further limitations in combination with the novel elements of claim 14. Therefore, the allowance of claim 20 is respectfully requested.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

/Roger S. Burleigh, Reg#40542/

Roger S. Burleigh
Registration No. 40,542

Date: August 25, 2008

Ericsson Inc.
6300 Legacy Drive, M/S EVR 1-C-11
Plano, Texas 75024

(972) 583-5799
roger.burleigh@ericsson.com